

Notice of Allowability

Application No.

09/557,633

Examiner

Tuan A Vu

Applicant(s)

BAUMGART ET AL.

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/19/04.
2. ☒ The allowed claim(s) is/are 1-39.
3. ☒ The drawings filed on 8/28/2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This action is responsive to the Applicant's response filed 7/19/2004.

As indicated in Applicant's response, claims 1-39 have been resubmitted. Claims 1-39 are pending in the office action.

In response to the Terminal Disclaimer filed 7/19/2004, the double patenting rejection of claims 1-39 made in the previous Office Action is withdrawn.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rabin Dutta, Reg. #51,010 on 8/30/2004.

The application has been amended as follows.

Claim 1:

At line 6, after 'into an object module,' , amend as follows:

'wherein the object module ~~is capable of including~~ includes a symbol reference[;], a symbol definition[;], attribute information for the symbol reference derived from the language statements declaring the attribute information[;], and attribute information for the symbol definition derived from the language statements declaring the attribute information;'

Claim 12:

At line 7, after 'into an object module,' , amend as follows:

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‘wherein the object module ~~is capable of including~~ includes a symbol reference[;], a symbol definition[;], attribute information for the symbol reference derived from the language statements declaring the attribute information[;], and attribute information for the symbol definition derived from the language statements declaring the attribute information;’

Claim 23:

At line 8, after ‘into an object module,’ , amend as follows:

‘wherein the object module ~~is capable of including~~ includes a symbol reference[;], a symbol definition[;], attribute information for the symbol reference derived from the language statements declaring the attribute information[;], and attribute information for the symbol definition derived from the language statements declaring the attribute information;’

Abstract:

The abstract has been replaced with:

“Disclosed is a system, method, and program for producing an executable file for execution by a computer. The computer receives a plurality of programming language statements comprising a source program and translates the source program into an object module. The object module includes a symbol reference, a symbol definition, attribute information for the symbol reference derived from the language, and attribute information for the symbol definition derived from the language statements. The computer binds the object modules into a program object and resolves in the program object an external symbol reference in the object module with an external symbol definition in another object module. The attribute information is available when binding object modules into the program object.”

Specifications:

In the section *Cross-reference to Related Application*, page 1, line 8, 'having attorney docket no. ST9-97-030, which application' has been replaced with:

"application number # 09/558430, which application, now issued as Patent No. 6,631,516,".

In the section *Summary of the Invention* (Note: this is in accordance with MPEP 1302.01), at pg. 4, line 27 to pg. 5, line 2, "is capable of including: a symbol reference; a symbol definition ... derived from the language statements." has been replaced with:

"includes a symbol reference, a symbol definition, attribute information for the symbol reference derived from the language statements, and attribute information for the symbol definition derived from the language statements.".

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

3. Claims 1-39 are allowed.

The following is an examiner's statement of reasons for allowance.

The prior art of record, taken alone or in combination fails to teach or suggest the following claimed features:

A method for producing an executable file for execution comprising (i) including in the language statements of a source program declarations defining attribute information for a symbol reference or symbol definition; (ii) translating the source program into a object module, and binding object modules into a program object, wherein the object module includes attribute information for a symbol reference derived from the statements declaring the attribute information and attribute information for a symbol definition derived from the statements

declaring the attribute information; wherein the attribute information is available when binding object modules as recited in claims 1, 12, and 23.

Lee, (USPN: 5,553,286), in a method to build object module in the integrating heterogeneous source modules into a executable, discloses creating of attributes for delimiting physical limitations of a load module and storing of such attributes in conjunction with address constant in a memory dictionary table but does not teach source program declarations defining attribute information for a symbol reference or symbol definition as in (i) nor does Lee disclose such attribute information being available at binding time wherein the object module includes attribute information for a symbol reference and for a symbol definition derived from the above statements declarations, as recited in (ii).

Looney, (USPN: 6,366,876), in a method to resolve operating system compatibilities with the execution of a program module, discloses a Class file containing information that represent references to other classes, fields, and methods which are stored in a Constant pool, the references being descriptors in memory tables. Although the Class file contains symbolic information to identify dependency references but is compiler-generated, thus does not come directly from declaration statements in a source program. Hence, Looney does not teach source program declarations defining attribute information for a symbol reference or symbol definition as in (i) nor does Lee disclose such attribute information being available at binding time wherein the object module includes attribute information for a symbol reference and for a symbol definition derived from the above program language statements declarations, as recited in (ii).

Conclusion

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4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (703)305-7207. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for formal communications intended for entry)

or: (703) 746-8734 (for informal or draft communications, please consult Examiner before using this number)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. , 22202. 4th Floor(Receptionist).

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VAT

August 30, 2004

Kakali Chaki

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